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Attorney for Defendant
LUKE BRUGNARA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUKE BRUGNARA,

Defendant.

Case No. CR 08-0222-WHA

RESPONSE TO THE ADDENDUM TO
THE PRESENTENCE REPORT FILED BY
THE FEDERAL PROBATION OFFICER

SENTENCING DATE: May 24, 2010
TIME: 10:00 a.m.
COURTROOM: 9, 19th Floor

INTRODUCTION

While it appeared that no further filings would be necessary in this matter, the recent submission by the Probation Department under cover on May 11th deserves a few words.

OFFERING THE FALL 2008 CONDUCT AS
CRIMINAL CONDUCT DISTORTS THE ISSUE

Intemperate outbursts are mischaracterized as criminal conduct. This is an unfair method of character assassination.

No criminal case ever emerged from the events of fall 2008 in connection with the Request for Orders to Stop Harassment.

If a charge of disturbing the peace had been brought under Penal Code 415(2), or if a

1 charge of using offensive words as defined by Penal Code 415(3) were filed, or if a charge of
2 assault under Penal Code 240 or 241 had ever existed, there might be grounds for asserting
3 criminal conduct by Mr. Brugnara. No such charges ever were lodged.

4 Mr. Brugnara is unpopular. He has offended many. What Defendant did at St. Vincent de
5 Paul School is not the type of behavior engaged in by the better elements of society. Still, it did
6 not rise to the level of criminal conduct, and should not be characterized as such. If Mr. Brugnara
7 were charged with forcible felonies instead of tax fraud, these events would not even be
admissible as uncharged conduct under Rule 404(b).

8 CONCLUSION

9 Before becoming President, Abraham Lincoln was a nationally known trial lawyer
10 handling both civil and criminal cases. In arguing a case, he once asked a Judge how many legs a
11 dog has if we call the tail a leg. When the Judge answered "five," Lincoln stated that the correct
12 answer was "four," since calling a tail a leg does not make it so.

13 Calling these events criminal does not make it so.
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17 Dated: May 21, 2010

Respectfully submitted,

19 LAW OFFICES OF BRIAN H GETZ

20 /s/
Brian H Getz